

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JONATHAN RICH, et al.,

Petitioners,

vs.

SAMUEL GORE, et al.,

Respondents.

Case No. 3:15-cv-00108-RCJ-WGC

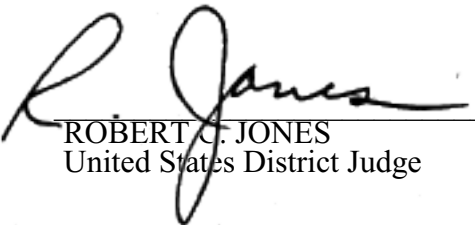
**ORDER**

Susan Mae Polk, a prisoner in California, has filed a motion for relief from order (#7). The court has dismissed this habeas corpus action because, based upon the allegations, it needed to be brought as a civil rights action pursuant to 42 U.S.C. § 1983. Order (#4). Polk does not dispute that part of the order, instead, she argues that her signature was forged on the petition and that she did not authorize anyone to file the petition on her behalf. In support of her motion, she has attached a copy of an order from the United States District Court for the District of Arizona that granted her relief in a similar situation.

The motion is largely moot. The court did not dismiss this action because it was frivolous or malicious, or because it failed to state a claim. The dismissal should not count as one of the dismissals that could prevent Polk from proceeding in forma pauperis under 28 U.S.C. § 1915(g). The nature of this action, and the reason for dismissal, would not be support for finding Polk to be a vexatious litigant, if a court ever examined that possibility. Nonetheless, Polk does have an interest in not having her signature forged and in not being attached to litigation that she did not authorize. The court will grant her motion.

1 IT IS THEREFORE ORDERED that Susan Mae Polk's motion for relief from order (#7) is  
2 **GRANTED**. Susan Mae Polk is **DISMISSED** from this action.

3 Dated: July 24, 2015

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6 ROBERT C. JONES  
7 United States District Judge  
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